

REMARKS

In the August 22, 2007 Office Action the Examiner has granted priority of Applicants' claims to November 7, 2001 because support for the claims could not be found in the priority specifications. Applicants subsequently amended the claims such that the actual wording is found in the priority references.

In the Notice of Incomplete Response mailed November 30, 2007, the Examiner states that Applicants' amendment to use the actual wording is independent or distinct from the previously searched invention. Applicants strongly disagree with the Examiner's statement.

A cursory review of the previously examined claims shows that the first set of claims states: "A process for delivering a polynucleotide into a cell of a mammal to inhibit protein expression, comprising: ...". The claim goes on to detail the use of a polynucleotide to block protein expression. The subsequent claim filings refer to inhibiting protein expression, blocking protein expression, inhibiting nucleic acid expression and so forth. For the examiner to indicate that a separate and distinct search would be required is disingenuous; that the recently filed claims are a new invention that must be searched is plainly improper.

Applicants wish to emphasize that they have been prosecuting this application going on seven years and have spent a large sum of money to protect their unique process including the \$230.00 extension fee that accompanies this unnecessary response.

Respectfully submitted,

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I hereby certify that this correspondence is being sent by web-based transmission to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: 2/22/2008.

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